

REMARKS/ARGUMENTS

The Office Action of March 23, 2010, has been reviewed and these remarks are responsive thereto. Claims 11 and 36 were previously canceled without prejudice or disclaimer. No new matter has been added. Claims 1-10, 12-35, and 37-51 are presented for examination upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 1-7, 9, 10, 12-17, 20-35, 37-42, and 45-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. pub. no. 2003/0086425 to Bearden et al. ("Bearden") in view of U.S. pat. no. 6,185,598 to Farber et al. ("Farber"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bearden in view of Farber, and in further view of U.S. pat. no. 5,958,010 to Agarwal et al. ("Agarwal"). Claims 18-19 and 43-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bearden in view of Farber, and in further view of U.S. pub. no. 2002/0169857 to Martija et al. ("Martija"). These rejections are traversed below.

Amended claim 1 recites, among other features, "wherein said first stage comprises the operations of inputting a file containing the IP addresses representing the sites most frequently visited by said user and performing a traceroute function for each destination site, by tracing the path to reach each destination site via a transmission of a traceroute message at a configurable frequency." Illustrative, non-limiting support for the features of claim 1 may be found in the filed specification when read as a whole, and for example, at page 13, line 24 – page 14, line 2 (providing that a first input module inputs file 100 containing IP addresses representing sites most frequently visited by a customer and sending a traceroute message several times to each destination site (with a configurable frequency)).

The Office Action at pages 3-4 correctly indicates that Bearden fails to disclose a first stage comprising operations of inputting a file containing IP addresses representing sites most frequently visited by a user and performing a traceroute function for each destination site, by tracing the path to reach each destination site. The Office Action at page 4 contends that Farber

at col. 2, lines 37-51 and col. 13, lines 40-54 describes such features. Even assuming (without admitting) that the NetMap procedure described in Farber at col. 13, lines 40-54 could appropriately have been analogized to inputting a file containing IP addresses representing sites most frequently visited by a user and performing a traceroute function for each destination site, by tracing the path to reach each destination site, Farber fails to teach or suggest that the NetMap procedure includes tracing a path to reach each destination site via a transmission of a traceroute message at a configurable frequency. Thus, notwithstanding whether the combination of Bearden and Farber would have been proper, the combination fails to teach or suggest the above-noted features recited in amended claim 1. Claim 1 is distinguishable from the applied documents for at least the foregoing reasons.

Amended independent claims 26 and 51 recite features similar to those described above with respect to claim 1. Accordingly, claims 26 and 51 are distinguishable from the applied documents for at least the same reasons as claim 1.

The dependent claims are distinguishable from the applied documents for at least the same reasons as their respective base claims, as any of the additional documents (e.g., Agarwal and Martija) fail to remedy the deficiencies of Bearden and Farber discussed above (notwithstanding whether any of the proposed combinations of documents would have been proper).

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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